SA 3869. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3870. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3871. Ms. WARREN (for herself, Mr. DAINES, Mr. KING, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3872. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3873. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3874. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3875. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 3876. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3868. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such military personnel strengths for such was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1_____. THRESHOLD FOR REPORTING ADDITIONS TO TOXICS RELEASE INVENTORY.

- (a) IN GENERAL.—Section 7321 of the PFAS Act of 2019 (15 U.S.C. 8921) is amended—
 - (1) in subsection (b)—
 - (A) by striking paragraph (2);
- (B) by striking the subsection designation and heading and all that follows through "Subject" in the matter preceding subparagraph (A) of paragraph (1) and inserting the following:
 - "(b) IMMEDIATE INCLUSION.—Subject";
- (C) in subparagraph (B), by striking "subparagraph (A)" and inserting "paragraph (1)";
- (D) in subparagraph (D), by striking "subparagraph (C)" and inserting "paragraph (3)";

- (E) in subparagraph (G), by striking "subparagraph (F)" and inserting "paragraph (6)":
- (F) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively, and indenting the paragraphs appropriately; and
- (G) in paragraph (5) (as so redesignated)—
 (i) in the matter preceding clause (i), by striking "class" and inserting "category";
- (ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately; and
- (iii) in subparagraph (B) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;
 - (2) in subsection (c)—
 - (A) by striking paragraph (2):
- (B) in paragraph (1), by striking "class" each place it appears and inserting "category":
- (C) by striking the subsection designation and heading and all that follows through "Subject" in the matter preceding clause (i) of paragraph (1)(A) and inserting the following:
 - "(c) INCLUSION FOLLOWING ASSESSMENT.-
 - "(1) DATE OF INCLUSION.—Subject";
- (D) by redesignating subparagraph (B) as paragraph (2);
 - (E) in paragraph (1) (as so designated)-
- (i) in the matter preceding clause (i), by striking "subsection (b)(1)" and inserting "subsection (b)":
- (ii) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately; and
- (iii) in subparagraph (D) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and
- (F) in paragraph (2) (as so redesignated), by striking "this paragraph" and inserting "this subsection":
 - (3) in subsection (d)—
- (A) by striking "classes" each place it appears and inserting "categories";
- (B) by striking "class" each place it appears and inserting "category"; and
- (C) in paragraph (2)—
- (i) in the matter preceding subparagraph (A), by striking "subsection (b)(1)" and inserting "subsection (b)"; and
- (ii) in subparagraph (L), by striking "subsection (b)(1)(F)" and inserting "subsection (b)(6)":
- (4) in subsection (e)—
- (A) in paragraph (1), in the matter preceding subparagraph (A), by striking "subsection (b)(1), (c)(1)" and inserting "subsection (b), (c)"; and
- (B) by striking "class" each place it appears and inserting "category"; and
- (5) by adding at the end the following:
- "(g) REPORTING REQUIREMENTS.—
- "(1) THRESHOLD FOR REPORTING REQUIREMENTS.—
- "(A) IN GENERAL.—
- "(i) Threshold.—Subject to subparagraph (C), the threshold for reporting under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) shall be met if, for a facility, the aggregate of the sums of quantities described in clause (ii) is not less than 100 pounds.
- "(ii) SUMS OF QUANTITIES DESCRIBED.—The sums of quantities referred to in clause (i) are—
- "(I) the sum of the quantities of substances and categories of substances described in subsections (b), (c), and (d)(3) manufactured by a facility;
- "(II) the sum of the quantities of substances and categories of substances de-

scribed in subsections (b), (c), and (d)(3) processed by a facility; and

- "(III) the sum of the quantities of substances and categories of substances described in subsections (b), (c), and (d)(3) otherwise used by a facility.
- "(B) METHOD OF REPORTING.—After a threshold determination described in subparagraph (A)(i) has been made, a toxic chemical release form shall be reported separately for each substance or category of substances described in subsections (b), (c), and (d)(3) for which a facility conducted a manufacturing, processing, or other use activity.
- "(C) REVISIONS.—Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under subsection (b), (c), or (d)(3), the Administrator shall—
- "(i) determine whether revision of the threshold, category, or threshold and category under subparagraph (A)(i) is warranted for the substance or category of substances; and
- "(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).
 - "(2) LIMITATIONS.—
- "(A) CONDITIONAL ADDITION TO LIST OF LOWER THRESHOLDS FOR CHEMICALS OF SPECIAL CONCERN.—The Administrator shall revise section 372.28 of title 40, Code of Federal Regulations (or successor regulations), to add a perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances described in subsection (b), (c), or (d)(3) to that section unless the Administrator, in accordance with paragraph (1)(C), revises the threshold for reporting that substance or category of substances to 10,000 pounds or greater.
- "(B) NOTIFICATION ABOUT TOXIC CHEMICALS.—A perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances described in subsection (b), (c), or (d)(3) shall not be eligible for the exemption from supplier notification under section 372.45(d)(1) of title 40, Code of Federal Regulations (or successor regulations).
- "(C) REVISIONS.—Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or category of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under subsection (b), (c), or (d)(3), the Administrator shall—
- "(i) determine whether revision of the supplier notification requirement under section 372.45 of title 40, Code of Federal Regulations (or successor regulations), is warranted for the substance or category of substances; and
- "(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision pursuant to section 328 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11048)."
- (b) CONFORMING AMENDMENTS.—Section 313(c)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)(2)) is amended—
- (1) by striking "subsections (b)(1), (c)(1)" and inserting "subsections (b), (c)"; and
- (2) by striking "2019" and inserting "2019 (15 U.S.C. 8921)".
- SA 3869. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year

2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

Subtitle -Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021".

SEC. 2. PRESUMPTION OF SERVICE CON-NECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following new sec-

"§ 1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins

"(a) PRESUMPTION OF SERVICE CONNEC-TION.—(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in paragraph (2) becoming manifest in a veteran described in paragraph (3) shall be considered to have been incurred in or aggravated during active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases specified in this paragraph are the following:

"(A) Asthma that was diagnosed after service in a country or territory for which a medal described in paragraph (3) was awarded.

"(B)(i) Head cancer of any type.

"(ii) Neck cancer of any type.

"(iii) Respiratory cancer of any type.

"(iv) Gastrointestinal cancer of any type. "(v) Reproductive cancer of any type.

"(vi) Lymphoma cancer of any type.

"(vii) Lymphomatic cancer of any type.

"(viii) Kidney cancer.

"(ix) Brain cancer.

"(x) Melanoma.

"(C) Chronic bronchitis.

"(D) Chronic obstructive pulmonary disease

"(E) Constrictive bronchiolitis or obliterative bronchiolitis.

"(F) Emphysema.

"(G) Granulomatous disease.

"(H) Interstitial lung disease.

"(I) Pleuritis.

Medal.

"(J) Pulmonary fibrosis.

"(K) Sarcoidosis.

"(L) Any other disease listed under subsection (a)(2) of section 1116 of this title or for which a presumption of service connection is warranted pursuant to regulations prescribed under section subsection (b)(1) of such section.

"(M) Any other disease with respect to which final regulations have been prescribed under subsection (c)(3).

(3) A veteran described in this paragraph is any veteran who on or after August 2, 1990, was awarded any of the following:

"(A) The Afghanistan Campaign Medal. "(B) The Armed Forces Expeditionary

"(C) The Armed Forces Reserve Medal with M-device.

"(D) The Armed Forces Service Medal.

"(E) The Global War On Terrorism Expeditionary Medal.

"(F) The Inherent Resolve Campaign Medal.

"(G) The Iraqi Campaign Medal.

"(H) The Southwest Asia Service Medal.

"(b) PROCESS TO ADD DISEASES THROUGH WRITTEN PETITION .- (1) In the case that the Secretary receives a written petition from an interested party to add a disease to the list of diseases specified in subsection (a)(2), not later than 90 days after the date of receipt of such petition, the Secretary shall request a determination by the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the 'National Academies') with respect to whether there is a positive association between-

"(A) the exposure of humans to one or more covered toxins; and

"(B) the occurrence of the disease in humans.

"(2) For purposes of this subsection, the term 'interested party' includes a representative of—

"(A) a congressionally chartered veterans service organization:

"(B) an organization that—

"(i) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code:

"(ii) serves veterans or members of the Armed Forces; and

"(iii) has continuously operated for a period of five years or more preceding the date of the submittal of the written petition under paragraph (1):

"(C) a collective bargaining agent for civilian employees of the United States Govern-

"(D) a nationally recognized medical association;

"(E) the National Academies; or

"(F) a State or political subdivision of a State.

"(c) Determinations by National Acad-EMIES.—(1) If the Secretary receives a determination described in paragraph (2), not later than 180 days after receipt of such determination, the Secretary shall-

"(A) publish in the Federal Register proposed regulations to add the disease covered by the determination to the list of diseases specified in subsection (a)(2);

"(B) publish in the Federal Register, and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representa-

"(i) the decision of the Secretary not to publish such proposed regulations; and

"(ii) the basis for such decision, including specific medical science refuting the determination: or

"(C) publish in the Federal Register a decision that insufficient evidence exists to take action under subparagraph (A) or (B).

(2) A determination described in this paragraph-

"(A) is a determination by the National Academies that there is a positive association between-

"(i) the exposure of humans to one or more covered toxins; and

"(ii) the occurrence of the disease in humans; and

"(B) may be made pursuant to-

"(i) a request from the Secretary under subsection (b): or

'(ii) an agreement between the Secretary and the National Academies under section 3 of the Presumptive Benefits for War

Fighters Exposed to Burn Pits and Other Toxins Act of 2021.

'(3)(A) Not later than 180 days after the date on which the Secretary publishes any proposed regulations under paragraph (1)(A) for a disease, the Secretary shall prescribe final regulations for that disease.

"(B) Such regulations shall be effective on the date of issuance.

"(d) Reference to National Academies.— In the case that the Secretary enters into an agreement with another organization as described in section 3(h)(1) of the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021, any reference in this section to the National Academies shall be treated as a reference to the other organization.

"(e) Definitions.—In this section:

"(1) The term 'covered toxin' includes the following:

"(A) Any toxic chemical or toxic fume.

"(B) Hazardous waste, mixed waste, solid waste, or used oil (as those terms are defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

"(C) Radiological waste.

"(D) Any other carcinogen.

"(2) The term 'veterans service organization' means an organization recognized by the Secretary for the representation of veterans under section 5902 of this title.

(b) Effective Date.-

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) WRITTEN PETITIONS.—With respect to a written petition described in section 1119(b)(1) of title 38, United States Code, as added by subsection (a), that was received by the Secretary of Veterans Affairs before the effective date described in paragraph (1), the Secretary shall make a request of the National Academies of Sciences, Engineering, and Medicine under such section, as so added, not later than 90 days after such effective date.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by inserting after the item relating to section 1118 the following new item:

"1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins."

(d) Conforming Amendment.—Section 1113 of such title is amended by striking "or 1118" each place it appears and inserting "1118, or 1119".

SEC. 3. AGREEMENT WITH THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE CONCERNING THE EXPOSURE OF HU-MANS TO BURN PITS AND OTHER TOXINS.

(a) AGREEMENT.-

(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Academies") to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEWS OF SCIENTIFIC EVIDENCE.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies, the National Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the exposure of humans to covered toxins and each disease suspected to be associated with such exposure.

(2) REVIEWS UPON REQUEST.—Under agreement between the Secretary and the National Academies under this section, the National Academies shall conduct a review described in paragraph (1) in response to each request made by the Secretary under section 1119(b)(1) of title 38, United States Code, as added by section _

- (c) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—
- (1) IN GENERAL.—For each disease reviewed under subsection (b), the National Academies shall determine (to the extent that available scientific data permit meaningful determinations) whether there is a positive association between the exposure of humans to one or more covered toxins and the occurrence of the disease in humans, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association.
- (2) SUBMISSIONS FOR REVIEWS UPON REQUEST.—Under an agreement between the Secretary and the National Academies under this section, not later than 270 days after the date on which the Secretary transmits a request to the National Academies with respect to a disease under section 1119(b)(1) of title 38, United States Code, as added by section 2(a), the National Academies shall submit to the Secretary the determination made with respect to that disease under paragraph (1).
- (d) RECOMMENDATIONS FOR ADDITIONAL SCI-ENTIFIC STUDIES.—
- (1) IN GENERAL.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to the exposure of humans to covered toxins
- (2) CONSIDERATIONS.—In making recommendations for additional scientific studies, the National Academies shall consider—
- (A) the scientific information that is available at the time of the recommendation;
- (B) the value and relevance of the information that could result from additional studies; and
- (C) the feasibility of carrying out such additional studies.
 (e) SUBSEQUENT REVIEWS.—Under an agree-
- (e) SUBSEQUENT REVIEWS.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall—
- (1) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (b)(1) that became available since the last review of such evidence under this section; and
- (2) make determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.
 - (f) Reports.-
 - (1) INITIAL REPORT.—
- (A) IN GENERAL.—Under an agreement between the Secretary and the National Academies under this section, not later than 540 days after the date of the enactment of this Act, the National Academies shall submit to the Secretary and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the National Academies under the agreement.
- (B) ELEMENTS.—The report submitted under subparagraph (A) shall include the following:
- (i) The determinations described in subsection (c)(1).
- (ii) An explanation of the scientific evidence and reasoning that led to such determinations.
- (iii) Any recommendations of the National Academies under subsection (d).
- (2) PERIODIC UPDATES.—Under an agreement between the Secretary and the National Academies under this section, not less frequently than once every two years, the National Academies shall submit to the Secretary and the Committee on Veterans' Af-

- fairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an updated report on the activities of the National Academies under the agreement.
- (g) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.
- (h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION —
- (1) In GENERAL.—If the Secretary is unable within the period prescribed in subsection (a)(2) to enter into an agreement with the National Academies on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—
 - (A) is not part of the Government;
- (B) operates as a not-for-profit entity; and (C) has expertise and objectivity comparable to that of the National Academies.
- (i) COVERED TOXIN DEFINED.—In this section, the term "covered toxin" has the meaning given that term in section 1119(e) of title 38, United States Code, as added by section 2(a).
- (j) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to the Department of Veterans Affairs such sums as may be necessary to carry out this section.

SEC.

4. ACCESS OF THE NATIONAL ACAD-EMIES OF SCIENCES, ENGINEERING, AND MEDICINE TO INFORMATION FROM FEDERAL AGENCIES.

- (a) IN GENERAL.—Upon request by the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Academies"), the head of any Federal agency with relevant information shall provide to the National Academies information in the possession of the agency that the National Academies determines useful in conducting a review under section
- (b) FEDERAL AGENCY DEFINED.—In this section, the term "Federal agency" means any agency as that term is defined in section 551 of title 5, United States Code.

SEC. _____5. PRESUMPTION RELATING TO PER-SONAL INJURY OF CERTAIN FED-ERAL EMPLOYEES.

- (a) IN GENERAL.—Section 8102 of title 5, United States Code, is amended by adding at the end the following:
- "(c)(1) In this subsection, the term 'covered employee' means an employee of the Department of State, the Department of Defense, or an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) who, on or after August 2, 1990, carried out the job responsibilities of the employee for not fewer than 30 total days in a country or territory while the United States was conducting a contingency operation (as defined in section 101 of title 10) in that country or territory.
- "(2) Disability or death from a disease described in paragraph (2) of such section suffered by a covered employee is deemed to have resulted from personal injury sustained while in the performance of the duty of the covered employee, whether or not the covered employee was engaged in the course of employment when the disability or disability resulting in death occurred."
- (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

- the date that is 180 days after the date of enactment of this Act.
- (c) RULE OF CONSTRUCTION.—Subsection (c) of section 8102 of such title, as added by subsection (a), shall not be construed to apply to a contractor of a Federal department or agency.
- SA 3870. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 530C. AUTHORIZATION OF CLAIMS BY MEM-BERS OF THE ARMED FORCES AGAINST THE UNITED STATES THAT ARISE FROM SEX-RELATED OF-FENSES.

- (a) ESTABLISHMENT.—
- (1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by inserting after section 2733a the following new section:

"§ 2733b. Claims arising from sex-related offenses

- "(a) IN GENERAL.—Consistent with this section and under such regulations as the Secretary of Defense shall prescribe under subsection (d), the Secretary may allow, settle, and pay a claim against the United States for personal injury or death of a claimant arising from—
- "(1) a sex-related offense committed by a covered individual; and
- ``(2)(A) the negligent failure to prevent such sex-related offense; or
- "(B) the negligent failure to investigate such sex-related offense.
- "(b) REQUIREMENT FOR CLAIMS.—A claim may be allowed, settled, and paid under subsection (a) only if—
- "(1) the claim is filed by the claimant who is the victim of the sex-related offense, or by an authorized representative on behalf of such claimant who is deceased or otherwise unable to file the claim due to incapacitation:
- "(2) the claimant was a member of an armed force under the jurisdiction of the Secretary of a military department at the time of the sex-related offense:
- "(3) the claim is presented to the Department in writing within two years after the claim accrues;
- "(4) the claim is not allowed to be settled and paid under any other provision of law; and
- "(5) the claim is substantiated as prescribed in regulations prescribed by the Secretary of Defense under subsection (d).
- "(c) PAYMENT OF CLAIMS.—(1) If the Secretary of Defense determines, pursuant to regulations prescribed by the Secretary under subsection (d), that a claim under this section in excess of \$100,000 is meritorious, and the claim is otherwise payable under this section, the Secretary may pay the claimant \$100,000 and report any meritorious amount in excess of \$100,000 to the Secretary of the Treasury for payment under section 1304 of title 31.
- "(2) Except as provided in paragraph (1), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.